

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:
VICTOR M. REYES LEOTEAU

DEBTOR

CASE NO. 16-02893 (ESL)

CHAPTER 13

SUPPLEMENTARY MOTION TO OBJECTION TO CONFIRMATION

TO THE HONORABLE COURT:

Comes now party in interest Banco Popular de Puerto Rico (hereinafter Banco Popular), through the undersigned counsel and respectfully alleges and prays as follows:

1. On July 28, 2016 Banco Popular filed a *Motion to Object Confirmation of Payment Plan* (Docket #24). In said motion Banco Popular argued that the debtor may not include the loan collateral within the bankruptcy estate because prior to the filing of the bankruptcy petition the current title holder to the property rescinded the transaction by which she transferred the property to the debtor.

2. Creditor Banco Popular wishes to add that the Proof of Claim filed by Mrs. López Colón (who is the current title holder of the loan collateral securing the loan of Banco Popular) in fact makes reference to the previously cited rescission of the property sale. Specially, Proof of Claim No. 19 in the claims registry states the following: “[t]he property must be returned to the creditor under the deed of sale. The clause of return of property was exercised on April 5, 2016 before filing bankruptcy”.

3. In view of the contractual rescission, the proposed plan should not be confirmed, for the plan pretends to pay Banco Popular as if it were a creditor to the debtor under the premise that the loan collateral is part of the bankruptcy estate, despite the rescission of the property sale.

WHEREFORE, plaintiff requests this Honorable Court deny confirmation of the proposed Payment Plan.

RESPECTFULLY SUBMITTED,

In Guaynabo, Puerto Rico, this 3rd day of January 2017.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on the same date above I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee Alejandro Oliveras Rivera (aorecf@ch13sju.com), and debtor's attorney Gerardo L Santiago Puig (gsantiagopuig@gmail.com). I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: Debtor Victor M. Reyes Leoteau, at Box 360, Cayey, PR 00737.

/s/ Juan C. Fortuño Fas
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